



U.S. Department of Justice

Ronald C. Machen Jr.
United States Attorney

District of Columbia

*Judiciary Center
555 Fourth St., N.W.
Washington, D.C. 20530*

November 6, 2012

Vida Johnson, Esquire
Jenifer Wicks, Esquire

re: United States of America v. Terrence McNeal, 2011 CF1 015128

Dear Counsel:

This is to extend a plea offer for your client, defendant Terrence McNeal. This offer will remain open until November 20, 2012. The government, however, reserves the right to revoke this offer at any time before your client enters the guilty plea called for by the offer. If your client accepts the terms and conditions set forth below, please execute and have your client execute the attachments in the appropriate spaces provided. Upon my receipt of the letter as executed, this letter will become the plea agreement between your client and the Office of the United States Attorney for the District of Columbia. The terms of the offer are as follows.

Defendant's Obligations

1. Your client agrees to admit guilt and enter a plea of guilty to: voluntary manslaughter while armed (knife), in violation of D.C. Code §§ 22-2105 and 22-4502, as a lesser included offense of the sole count charged in the indictment in this case. Your client understands that this offense carries a maximum potential penalty of 60 years in prison, as well as a period of supervised release of up to five years.

2. Your client agrees not to object to the government's recommendation to the court, at the time of his guilty plea in this case that, pursuant to D.C. Code § 23-1325, your client be held without bond until the time of his sentencing.

3. Your client agrees not to seek a sentence below the midpoint of the applicable sentencing range calculated under the Voluntary Superior Court Sentencing Guidelines (hereinafter, the Guidelines), whatever that range might be, or to argue to the court that the Guidelines, or any otherwise applicable part of the Guidelines, should not be followed in this case.

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4. In entering this plea of guilty, your client agrees to waive certain rights afforded your client by the Constitution of the United States and/or by statute, as follows:

- (a) Your client understands that the Fifth Amendment to the Constitution guarantees him the privilege against making incriminating statements. By entering the plea of guilty called for by this agreement, your client knowingly and voluntarily waives, i.e., give up, his privilege against self-incrimination. Your client's waiver of this privilege extends to all information that your client supplies to the government pursuant to this agreement.
- (b) Your client also understands that by entering a plea of guilty, he waives the following rights: (i) to be tried by a jury, or by a judge sitting without a jury, and to require the government to prove your client guilty beyond a reasonable doubt; (ii) to be assisted by an attorney at trial; (iii) to present evidence in his defense; and (iv) to confront and cross-examine witnesses against him.
- (c) Your client further understands and agrees that the guilty plea entered under this agreement may not be withdrawn because of the harshness of the sentence imposed. Such a motion to withdraw shall constitute a breach of this agreement.
- (d) You and your client have discussed rule 11(e)(6) of the Federal Rules of Criminal Procedure and rule 11(e)(6) of the Superior Court Rules of Criminal Procedure, which ordinarily restrict the admissibility, in both civil and criminal proceedings, of statements made in the course of plea proceedings or plea discussions, if the guilty plea is later withdrawn. Your client knowingly and voluntarily waives or gives up the rights which arise under these rules. As a result of this waiver, your client understands that if the guilty plea is subsequently withdrawn, any statements which your client has made pursuant to this agreement would be admissible against your client for any purpose in any criminal or civil proceeding.

Government's Obligations

5. In return for your client's specific performance of all obligations under this agreement, the government agrees to the following:

- (a) The government agrees to dismiss the greater including charge in the indictment. Your client, however, agrees and acknowledges that the charge to be dismissed at the time of sentencing was based in fact and would not

provide your client with a basis for any future claim as a "prevailing party" under section 617 of Public Law No. 105-119 (the "Hyde Amendment"). Further, your client specifically agrees not to file any claim under that provision of law.

- (b) The government further agrees not to allocute at sentencing for a prison term greater than the upper end of the applicable range under the Guidelines, whatever that range might be.

General Obligations

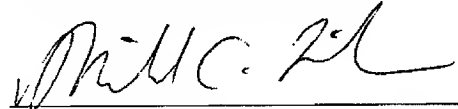
6. This agreement binds only the United States Attorney's Office for the District of Columbia. It does not bind any other United States Attorney's Office or any other federal, state or local prosecuting authority.

7. This letter, with attachments, sets forth the complete plea agreement between your client and the United States Attorney's Office for the District of Columbia. This agreement supersedes all prior understandings, promises, agreements or conditions, if any, between this office and your client. No promises, agreements or conditions have been entered into other than those set forth in this letter. There can be no valid addition or alteration to this agreement unless the addition or alteration is made on the record in open court or made in a writing signed by all of the parties.

Respectfully,

RONALD C. MACHEN JR.
UNITED STATES ATTORNEY

by:



Michael C. Liebman
Assistant U.S. Attorney

Defendant's Acceptance

I have read or had read to me each of the six (6) pages constituting this plea agreement and have discussed the agreement with my attorney. I fully understand this agreement and agree to it, intending to be legally bound. I have not been threatened or coerced in any manner. I am not under the influence of anything that could interfere with my ability to understand this agreement fully.

I affirm that absolutely no promises, agreements, understandings, or conditions have been made or entered into in connection with my decision to plead guilty, except those set forth in this written plea agreement. I am satisfied with the legal services provided to me by my attorneys in connection with this plea agreement and matters related to it.

date: 11-12-12

T. McNeal
Terrence McNeal, defendant

Attorney's Acknowledgment

I have read each of the six (6) pages constituting this plea agreement. I have fully reviewed and discussed the provisions of the agreement with my client, defendant Terrence McNeal, and I am satisfied that my client understands all of its terms and conditions. These pages accurately and completely set forth the entire plea agreement. I concur with my client's decision to plead guilty under the terms set forth in this agreement.

date: 11/12/12

Vida Johnson
Vida Johnson, Esquire
Counsel for defendant Terrence McNeal

date: 11/12/12

Jenifer Wicks
Jenifer Wicks, Esquire
Co-counsel for defendant Terrence McNeal

Proffer of Facts

Had this case proceeded to trial, the government would have proven the following beyond a reasonable doubt.

On June 19, 2011, at approximately 1:22 a.m., defendant Terrence McNeal, an adult male associate of his with the first name Eric, Charles Hicks, and several other persons were gathered in a parking lot in the area of 2677 Douglas Road, S.E., Washington, D.C., when an argument began between the defendant and Mr. Hicks. After a few minutes of arguing, the defendant began beating Mr. Hicks with his hands and then drew a knife and proceeded to stab Mr. Hicks about his body and head. As the defendant was stabbing Mr. Hicks, Eric proceeded to punch and kick Mr. Hicks.

After stabbing Mr. Hicks eight times, the defendant, along with Eric, fled the area in a car. Inside the car with the defendant and Eric were three young women who had been among the persons gathered in the parking lot when the defendant stabbed Mr. Hicks.

Mr. Hicks succumbed to his wounds and was declared deceased approximately two hours later. A subsequent autopsy determined that the cause of death was multiple stab wounds and that the manner of death was homicide.

Defendant's Acknowledgment

I have read and discussed the government's proffer of facts with one or both of my attorneys, Vida Johnson, Esquire, and Jenifer Wicks, Esquire. I agree and acknowledge by my signature that the proffer is true and correct.

date: 11-12-12

T. McNeal
Terrence McNeal, defendant

date: 11/12/12

Vida Johnson
Vida Johnson, Esquire
Counsel for defendant Terrence McNeal

date: 11/12/12

Jenifer Wicks
Jenifer Wicks, Esquire
Co-counsel for defendant Terrence McNeal

